

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

IN RE WALGREEN CO. STOCKHOLDER
LITIGATION

JOHN BERLAU,

Objector.

Civil No. 1:14-cv-9786

Hon. Joan B. Gottschall

**OBJECTOR JOHN BERLAU'S UNOPPOSED MOTION TO CORRECT AND/OR
MODIFY THE RECORD ON APPEAL**

Objector John Berlau hereby moves pursuant to Fed. R. App. P. 10(e) and Circuit Rule 10(b) to modify and/or correct the record on appeal to include the following Walgreen's filings with the SEC: (1) Walgreen Co.'s Proxy Statement dated November 24, 2014; (2) Walgreen Co.'s 8-K dated December 10, 2014; and (3) Walgreen Co.'s 8-K dated December 29, 2014. These SEC filings are attached to the accompanying declaration of Melissa A. Holyoak, counsel for Objector Berlau. *See* Declaration of Melissa A. Holyoak (attached hereto as Exhibit 1). In support of his motion, Objector Berlau states the following:

1. On November 5, 2015, Objector Berlau filed an objection to the class action settlement and to class counsel's request for attorneys' fees. *See* Dkt. 53 ("Objection"). Defendants Walgreen Co. and Walgreens Boots Alliance, Inc. filed a response to the Objection on November 13, 2015, *see* Dkt. 62 ("Defendants' Response to Objection"), and plaintiffs filed a response to the Objection on November 17, 2015, *see* Dkt. 64 ("Plaintiffs' Response to Objection").

2. On November 20, 2015, the Court held the final fairness hearing, approved the class action settlement, awarded attorneys' fees to class counsel, and entered final judgment. Dkts. 67, 68.

3. While the attached SEC filings were discussed and quoted at length in the parties' briefing and at the November 20, 2015 fairness hearing, the filings were not submitted to the Court. *See* Dkt. 53, Objection at 2-3, 10-22; Dkt. 64, Plaintiffs' Response to Objection at 8-14.

4. Rule 10(e) permits the parties to supplement the record "[i]f anything material to either party is omitted or misstated in the record by error or accident." Fed. R. App. Proc. 10.

5. Neither plaintiffs nor defendants oppose this motion.

WHEREFORE, for the foregoing reasons, Objector Berlau respectfully requests that the record be corrected to include Exhibit 1 attached to this motion.

Dated: December 4, 2015.

/s/ Melissa A. Holyoak

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Attorneys for John Berlau

Certificate of Service

The undersigned certifies she electronically filed the foregoing Motion via the ECF system for the Northern District of Illinois, thus effecting service on all attorneys registered for electronic filing. Additionally she caused to be served via first class mail a copy of this Motion upon the following:

Stephen DiPrima Benjamin Klein WACHTELL, LIPTON, ROSEN & KATZ 51 West 52nd Street New York, NY 10019	Gustavo F. Bruckner Mark Bryan Goldstein POMERANTZ LLP 600 Third Avenue, 20th Floor New York, New York 10016
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Additionally, she caused to be mailed a courtesy copy of the foregoing via overnight courier addressed to:

Hon. Joan B. Gottschall
United States District Court for the Northern District of Illinois
Everett McKinley Dirksen United States Courthouse
Room 2356
219 South Dearborn Street
Chicago, IL 60604

Dated: December 4, 2015.

/s/ Melissa A. Holyoak